

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANTHONY LYNN COUCH Sr.,

Plaintiff,

v.

RICK SCOTT, et al.,

Defendants.

CASE NO. 3:21-cv-05804-RSM-BAT

ORDER DISMISSING CASE

Having reviewed the Report and Recommendation of United States Magistrate Judge Brian A. Tsuchida, the Objections filed by Plaintiff Couch, and the remaining record, the Court finds and ORDERS:

(1) The Court ADOPTS the Report and Recommendation, Dkt. #38. Mr. Couch's Objections fail to address *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994), collateral estoppel, or the other valid substantive and procedural grounds to dismiss discussed in the R&R, instead arguing that he did not have access to Court filings or an opportunity to timely respond to Defendants' Motion. The Court agrees with Defendants that the record demonstrates Mr. Couch had an ability to file during this time period and that dismissal is clearly appropriate for the reasons stated in the R&R, even if Mr. Couch was unable to respond. *See* Dkt. #40 at 5.

1 (2) The case is dismissed with prejudice.

2 (3) All pending Motions are DENIED AS MOOT.

3 (4) The Clerk is directed to send copies of this Order to the parties.

4 DATED this 3rd day of October, 2022.

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6 RICARDO S. MARTINEZ
7 UNITED STATES DISTRICT JUDGE
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